



## Immigrant Policy Project

December 18, 2008

# State Laws Related to Immigrants and Immigration in 2008

January 1 – November 30, 2008

State legislatures continue tackling immigration issues in a variety of policy arenas at an unprecedented rate. As of November 30, 2008, no fewer than 1305 pieces of legislation related to immigrants and immigration had been introduced. In 41 states, at least one law or resolution was enacted, with a total of 205 laws and resolutions enacted nationwide. Three bills were vetoed by governors.

The 2008 level of activity is comparable to last year, when 1,562 bills were introduced and 240 laws were enacted. As in recent years, the top three areas of interest are identification/driver's licenses, employment and law enforcement.

States continue to employ a range of enforcement and integration approaches. For example, Colorado created a pilot guest worker program to expedite the approval of foreign workers under the federal H-2A visa program and Arizona revisited employment-related legislation enacted in 2007. Iowa makes legal immigrant children and pregnant women eligible for SCHIP. Connecticut aims to address the needs of the Asian Pacific American community through English language instruction, health access and economic development. Arizona expanded its definition of smuggling of human beings to include the use of so-called "drop houses." A Maryland law focuses on innovative ways to encourage heritage language learning while also encouraging new citizens of the United States to learn and master English. Several states commissioned studies to investigate the economic and fiscal impacts of immigration, including state remedies to recover money owed to the state by the federal government. Missouri, South Carolina and Utah passed omnibus legislation addressing issues such as employment, law enforcement, public benefits, legal services and identification/licensing.

Six states did not conduct regular sessions in 2008: Arkansas, Montana, Nevada, North Dakota, Oregon and Texas. However, Arkansas, Nevada and Oregon held special sessions to address gas taxes and gubernatorial appointments (in Arkansas) and budgets (in Nevada and Oregon). Oregon passed legislation related to immigrants during special session.

State laws related to immigration have increased dramatically in recent years:  
In 2005, 300 bills were introduced and 38 laws were enacted.  
In 2006, activity doubled: 570 bills were introduced and 84 laws were enacted.  
In 2007, activity tripled: 1,562 bills were introduced and 240 laws were enacted.

This report provides brief summaries of state laws enacted in 2008 that address legal immigrants, migrant and seasonal workers, refugees or unauthorized immigrants.\*

*\*Terms used in this report by and large reflect the terms used in state legislation. In some state legislative language, unauthorized immigrants are also described as illegal or undocumented immigrants or aliens.*

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State Immigration Laws and Resolutions, by Policy Arena

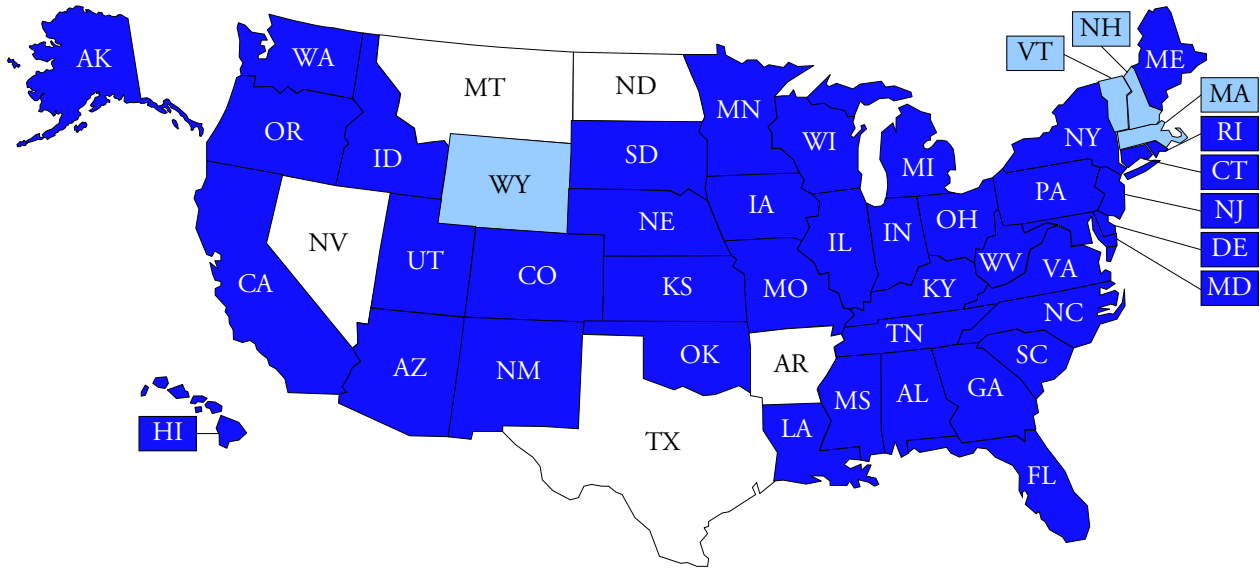
*As of November 30, 2008*

Main Topics	Number of Laws Enacted	States
Education	12	8
<b>EMPLOYMENT</b>	19	13
Health	11	8
Human Trafficking	5	5
<b>ID/DRIVER'S LICENSES AND OTHER LICENSES</b>	32	16
<b>LAW ENFORCEMENT</b>	12	10
Legal Services	2	2
Miscellaneous	35	21
Omnibus/Multi-Issue Measures	3	3
Public Benefits	9	7
Voting	1	1
Resolutions	64	19
<b>TOTAL</b>	205	41

*Source: NCSL, Immigrant Policy Project, 2008*

2008 Immigration-Related Laws and Resolutions, by State

*As of November 30, 2008*



States With Enacted Laws  AL, AK, AZ, CA, CO, CT, DE, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MI, MN, MS, MO, NE, NJ, NM, NY, NC, OH, OK, OR\*, PA, RI, SC, SD, TN, UT, VA, WA, WV, WI

States With Introduced Legislation  MA, NH, VT, WY

States not in Regular 2008 Session  AR, MT, NV, ND, TX

*\*Oregon was not in regular session in 2008 but passed relevant legislation in special session.  
Source: NCSL, Immigrant Policy Project, 2008*

**EDUCATION (12)**

*Twelve laws were enacted in eight states: Arizona, Georgia, Hawaii, Maryland, Minnesota, Oklahoma, Utah and Washington.*

*These laws generally address in-state tuition eligibility, student loans, English language acquisition and access, as well as English as a Second Language (ESL) programs. Some laws establish commissions and task forces.*

**Arizona SB 1096** (Became law without Governor signature 4/14/2008)

This law appropriates \$40.7 million for English language immersion programs.

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### **Georgia SB 169** (Signed 5/13/2008)

This law defines eligibility for postsecondary education student loans, including general loans for need and merit, an Educational Public Service Student Loan, and a Graduate On Time Student Loan. If a student is not a U.S. citizen or permanent resident alien who meets the definition of an eligible non-citizen under federal Title IV requirements, he or she is ineligible for these loans.

### **Georgia SB 492** (Signed 5/14/2008)

This law states that non-citizen students shall not be classified as in-state for tuition purposes unless the student is legally in the state and the Board of Regents determines their in-state classification. Lawful permanent residents, refugees, and asylees can receive equal consideration for in-state tuition as U.S. citizens. International students who reside in the United States under nonimmigrant status who do not abandon a foreign domicile shall not be eligible for in-state classification.

### **Hawaii SB 2395** (Signed 4/8/2008)

This law expands the language access advisory council within the Department of Labor and Industrial Relations to include several county representatives with an interest in language access. The law clarifies the definition of "written language services" as free provision of written information that allows limited English proficient persons to access services.

### **Maryland HB 610** (Signed 5/13/2008)

This law establishes a Task Force on the Preservation of Heritage Language Skills, which will compile data on the number of heritage speakers in the state and focus on innovative ways to encourage heritage language learning while also encouraging new citizens of the United States to learn and master English.

### **Maryland SB 203** (Signed 4/24/2008)

This law establishes a Workforce Creation and Adult Education Transition Council to coordinate adult education and literacy services with the Division of Workforce Development. The Council will include ten members appointed by the governor, one of whom will represent ESL providers.

### **Minnesota SB 2942** (Signed 5/12/2008)

This Act establishes enrollment requirements for the Achieve Scholarship Program for students including those who are U.S. citizens, refugees, or eligible non-citizens.

### **Oklahoma HB 2229** (Signed 4/29/2008)

This law clarifies that civil rights laws and the civil rights movement, including immigration history, will be included in social studies classes during Celebrate Freedom Week.

### **Utah HB 86** (Signed 3/14/2008)

This law appropriates \$150,000 to the State Board of Regents to distribute to institutions that provide inmate postsecondary education through the Utah Department of Corrections. The postsecondary education is restricted to inmates with a legal presence in the United States.

### **Washington HB 3168** (Signed 3/26/2008)

This law establishes a Head Start Program to assist the educational needs of low-income populations in the early childhood education arena. Providers operating migrant and seasonal Head Start programs will be consulted in order to address the needs of children of migrant and seasonal farm worker families.

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### **Washington HB 3212** (Signed 03/26/2008)

This law orders reports of the Washington Assessment of Student Learning to disaggregate results by subgroups of students, including low income, transitional bilingual, and migrant students.

### **Washington SB 6673** (Signed 4/1/2008)

This law enhances funds allocated to eligible school districts where more than twenty percent of students are eligible for and enrolled in transitional bilingual instruction programs. It also requires student learning plans for high school students who were not successful on the Washington assessment, including schools serving English language learner students and schools with transitional bilingual programs. English language learners will qualify for help from the extended learning program.

## EMPLOYMENT (19)

*Nineteen laws were enacted in thirteen states: Alaska, Arizona, Colorado, Florida, Idaho, Maryland, Missouri, Mississippi, Pennsylvania, Tennessee, Virginia, Washington and West Virginia.*

*Many of these laws provide for employer sanctions related to the hiring of unauthorized workers, employment eligibility verification requirements and penalties. These laws also include measures on unemployment benefits and one state seeks a state-based guest worker program.*

### **Alaska SB 120** (Signed 5/28/2008)

This Act limits the disclosure of certain records of the state Department of Labor and Workforce Development but requires that some confidential information must be provided to several federal agencies, such as the U.S. Department of Homeland Security, to verify the immigration status of an individual claiming unemployment benefits. Effective immediately.

### **Arizona HB 2745** (Signed 5/1/2008)

This Act adjusts the prohibitions against knowingly or intentionally employing an unauthorized alien and eliminates independent contractors from the definition of employee. It provides for the Arizona Attorney General to establish a Voluntary Employer Enhanced Compliance Program. After September 30, 2008, the law prohibits an agency from issuing a license to an individual who does not establish legal presence and prohibits government entities from awarding a contract to any contractor and subcontractor that fails to use E-Verify. The Act establishes the crime of knowingly accepting the identity of another person or entity and expands the definitions of identity theft. The Act also provides that companies can be punished only for unauthorized workers they hired after January 1, 2008 and that a violation at one location of a company shuts down only that location, not the entire corporation. Effective May 1, 2008.

### **Arizona SB 1125** (Signed 5/12/2008)

This law provides for additional employer penalties and the payment of compensation benefits to an employee or to the employee's estate if an employee injury results in permanent disability or death. An employee is defined as every person in the service of any employer subject to this chapter, including aliens and minors legally or illegally permitted to work for hire.

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### **Colorado HB 1325** (Signed 6/5/2008)

The Colorado Nonimmigrant Agricultural Seasonal Worker Pilot Program Act provides for expediting recruitment, application, and approval of workers through the federal H-2A visa (requiring a federal waiver). The law requires the labor, agricultural and economic development and international trade agencies in Colorado to seek agreements between Colorado and foreign countries to assist in the recruitment and selection of H-2A workers. The program will include sectors of the agriculture industry and allow up to 1,000 workers in the first year. It requires the country of origin of each worker to perform background checks. The law requires employers to provide transportation, housing, fair wages, workers' compensation, and to withhold 20 percent of wages payable to the worker upon return to the country of origin. The law also provides for identification cards for the seasonal workers. It establishes an advisory council of legislators, agency officials and other stakeholders. Effective August 6, 2008.

### **Colorado SB 139** (Signed 5/20/2008)

This law requires that employers be notified of the prohibition against hiring an unauthorized alien and the availability of and participation requirements for the federal E-Verify program. The Act requires the Department of Labor and Employment's website to provide this information. Effective August 6, 2008.

### **Colorado SB 193** (Signed 5/13/2008)

The law creates a program to allow a contractor to verify employment eligibility of all employees under a public contract and requires future participation in the Federal Electronic Employment Eligibility Program or the department program to verify the employment eligibility of certain employees. Effective August 6, 2008.

### **Florida HB 601** (Signed 6/30/2008)

The law revises duties of farm labor contractors and eliminates the requirement of a farm labor contractor to submit a set of fingerprints.

### **Florida SB 1702** (Signed 6/10/2008)

This Act raises the annual license taxes for wholesale and retail saltwater products dealers and differentiates between resident, non-resident and alien dealers. Effective October 1, 2008.

### **Idaho HB 445** (Signed 3/3/2008)

The law requires that a provision in the Idaho Code that prohibits employment of persons who are not U.S. citizens or eligible to become citizens on public works projects shall not apply to Capitol building projects. It is effective retroactively beginning July 1, 2007, and sunsets June 30, 2010. It precludes prosecution or punishment for any act or omission taking place between January 1, 2007 through June 30, 2007, that could otherwise be subject to punishment.

### **Maryland SB 650** (Signed 5/13/2008)

The Act authorizes the commissioner of labor to investigate complaints relating to alleged violations of penal bonding requirements by employment agencies, including an agency or a person who obtains an immigrant visa for an individual. Effective October 1, 2008.

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### **Missouri HB 2058** (Signed 6/11/2008)

This law requires that any applicant of a tax credit program who purposely and directly employs unauthorized aliens has to forfeit any tax credits and must repay the amount of any tax credits redeemed during the period when an unauthorized alien was employed by the applicant.

### **Mississippi SB 2988** (Signed 3/17/2008)

The Act requires every employer in the state to use the E-Verify program to verify the employment authorization status of all newly-hired employees. No contractor or subcontractor shall hire any employee unless registered and participating in the system. State agencies and employers with at least 250 employees must comply by July 1, 2008; employers with 100-249 employees must comply by July 1, 2009; employers with 30-99 employees must comply by July 1, 2010; and all employers by July 1, 2011. Penalties include loss of public contracts for up to three years, loss of licenses for up to one year, or both. Additionally, the law makes it a felony for unauthorized workers to knowingly accept or perform work in the state and it creates a private cause of action for legal U.S. residents laid off and replaced by unauthorized workers.

### **Pennsylvania SB 1412** (Signed 7/10/2008)

The law extends tax exemptions for unoccupied parcels and additional opportunity expansion zones and prohibits illegal alien labor in such zones.

### **Tennessee SB 4069** (Signed 4/29/2008)

The Act provides that upon receiving a complaint regarding the hiring of an illegal alien the Commissioner of the Department of Labor and Workforce Development shall inform the person against whom a complaint is made that they may request the name of the person filing the complaint. Effective immediately.

### **Virginia HB 926/SB 782** (Signed 3/12/2008)

This law provides for various disciplinary actions for a violation of state or federal law prohibiting the employment of illegal aliens, including revocation or cancellation of a certificate of authority, certificate of organization, or certificate of trust of any domestic or foreign corporation, limited liability company, limited partnership, or business trust conducting business in this state.

### **Virginia HB 1298/SB 517** (Signed 3/12/2008)

All public bodies shall provide in every written contract that the contractor does not, and shall not, during the performance of the contract for goods and services in the Commonwealth, knowingly employ an unauthorized alien as defined in the federal Immigration Reform and Control Act of 1986.

### **Virginia HB 1386** (Signed 3/10/2008)

The law provides for a program with federal eligibility requirements set by the U.S. Department of Veterans Affairs for service-disabled veteran-owned small businesses and defines small businesses as those owned by U.S. citizens or non-citizens who are in full compliance with immigration law.

### **Washington HB 2779** (Signed 3/27/2008)

The law requires obtaining a specialized forest products permit in order to harvest huckleberries and adds huckleberry harvesting to the specialized forest products industries in which minority groups (including refugees) have long been participants. The legislation encourages agencies serving

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minority communities, refugee centers and other social service agencies to work cooperatively in the translation of educational materials.

### **West Virginia HB 4255** (Signed 3/27/2008)

The law authorizes the Division of Labor to promulgate a legislative rule relating to verifying the legal employment status of workers.

## HEALTH (11)

*Eleven laws were enacted in eight states: Colorado, Hawaii, Iowa, Kansas, Minnesota, New York, South Dakota and Utah.*

*These laws generally address eligibility for health care benefits and the licensing of health care professionals.*

### **Colorado HB 1199** (Signed 4/7/2008)

This law eliminates the one year residency requirement for receiving hospitalization assistance for the treatment of tuberculosis, which enhances the non-discrimination policy in providing programs and services related to testing for, diagnosing, and treating tuberculosis, regardless of national origin or immigration status.

### **Hawaii SB 2542** (Enacted 7/8/2008)

Under this legislation, services provided by federally qualified health centers or rural health clinics to individuals not eligible for Medicaid benefits—which includes all unauthorized and some authorized immigrants—are not eligible for reimbursement. A federally qualified health center may apply for funding to modify its scope of services when the population it serves changes, for example, serving more migrant patients. It also appropriates \$1 million for the department of health to provide resources to community-based, non-profit health care providers for medical care of the uninsured.

### **Hawaii SB 2830** (Enacted 7/8/2008)

This legislation expands the Kapuna care program, which provides daily living assistance to individuals over sixty years of age, including legal aliens, to include emergency and short-term respite services and grants for home modifications and family caregivers.

### **Iowa SF 2338** (Signed 4/16/2008)

Under this legislation, medical licensing boards may issue special medical licenses to individuals with unrestricted licenses in osteopathic medicine and surgery from other countries, in addition to those individuals with unrestricted licenses in medicine and surgery from other countries.

### **Iowa SF 2425** (Signed 5/13/2008)

If sufficient funding is available, this appropriations legislation allows Iowa's State Children's Health Insurance Program (SCHIP) to expand insurance coverage to legal immigrant children and pregnant women, who are not eligible under current federal guidelines.

### **Kansas SB 81** (Signed 5/18/2008)

This law requires that individuals be U.S. citizens or legal aliens and present documentary evidence to prove their status in order to be eligible for Kansas's discretionary SCHIP.

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### **Minnesota HF 3708** (Signed 4/10/2008)

This law enables licensing boards to grant medical licenses to individuals who fail to pass the U.S. Medical Licensing Examination within the preferred number of attempts but have current certification by a specialty board of the Royal College of Physicians and Surgeons of Canada or the College of Family Physicians of Canada. It also exempts individuals applying for a physical therapy license from examination requirements if they hold licenses from at least three other states and one foreign country issued between 1980 and 1995.

### **New York SB 6026** (Signed 9/4/2008)

The law provides that in order to be eligible for a restricted dental faculty license an applicant must be a U.S. citizen or an alien lawfully admitted for permanent residence in the United States.

### **New York SB 8276** (Signed 7/21/2008)

This Act relates to citizenship requirements to qualify for a license as a physician. It provides that the Board of Regents may grant a three year waiver and up to a six year extension for the holder of an H-1B visa or its equivalent or successor visa to comply with citizenship requirements for a physician's license.

### **South Dakota SB 51** (Signed 3/17/2008)

This legislation allows a psychologist licensed in Canada to practice in South Dakota for a maximum of six months while waiting for the licensing board to accept or deny his or her application. It also allows the Board of Examiners of Psychologists to issue licenses to individuals with doctorates from institutions recognized as members in good standing by the Association of Universities and Colleges of Canada.

### **Utah SB 174** (Signed 3/17/2008)

This law requires that applicants for licensure as dentists and dental hygienists receive a doctorate or degree in dentistry, respectively, from a dental school accredited by the Commission on Dental Accreditation of the American Dental Association, disallowing degrees from dental schools outside the United States that previously qualified.

## HUMAN TRAFFICKING (5)

*Five laws were enacted in five states: Arizona, California, Hawaii, New Mexico and Utah.*

*These laws provide for penalties and definitions relating to human trafficking, human smuggling and extortion.*

### **Arizona HB 2842** (Signed 5/7/2008)

The law expands the existing definition of smuggling of human beings to include the use of property ("drop houses") by a person or an entity that knows that the person or persons transported or to be transported are not U.S. citizens, permanent resident aliens or persons otherwise lawfully in this state.

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### **California AB 499** (Signed 9/27/2008)

This law, until January 1, 2012, authorizes the District Attorney of Alameda County to create a pilot project addressing the needs and effective treatment of commercially sexually exploited minors.

### **Hawaii SB 2212** (Signed 6/6/2008)

This law includes the destruction, concealment, removal, confiscation, or possession of a passport or any other identification or immigrant document in the definition of extortion.

### **New Mexico SB 71** (Signed 2/22/2008)

The Act creates a new criminal offense known as a human trafficker, provides for penalties and establishes the Task Force to combat human traffickers.

### **Utah SB 339** (Signed 4/2/2008)

This law criminalizes human trafficking and human smuggling. "Smuggling of human beings" means the transportation of persons by an actor who knows or has reason to know that the persons transported are not citizens of the United States or permanent resident aliens. The law provides for penalties.

## ID / DRIVER'S LICENSES AND OTHER LICENSES (32)

*Thirty-two laws were enacted in sixteen states: Alabama, Alaska, Arizona, Connecticut, Florida, Georgia, Idaho, Louisiana, Kentucky, Maine, Michigan, Mississippi, Oregon, Tennessee, Utah and Virginia. One bill in Georgia was vetoed.*

*These laws relate to documentation and eligibility requirements for driver's licenses (14 laws), professional license (12 laws) and firearm and hunting/fishing licenses (6 laws).*

### Identification/Drivers Licenses

#### **Alaska SB 202** (Signed 5/28/2008)

This law puts a limit on certain state expenditures, noting that a state agency may not expend funds solely for the purpose of implementing requirements of the Real ID Act.

#### **Connecticut HB 5658** (Signed 6/10/2008)

The law states that any person in possession of personal information, including alien registration numbers, of another person shall safeguard the data, computer files and documents containing the information from misuse by third parties.

#### **Florida SB 1992** (Signed 6/17/2008)

This law requires all applicants for driver's licenses and identification cards to provide proof of identity, including a U.S. passport, an alien registration receipt card, an employment authorization card, all of which must be valid and unexpired, or a Consular Report of Birth Abroad provided by the U.S. State Department. Proof of nonimmigrant classification, for the purpose of proving identity, will include an unexpired foreign passport with an unexpired U.S. visa affixed, and

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accompanied by an approved I-94, beginning January 1, 2010. Applicants for driver's licenses must now provide proof of social security card number and of residential address satisfactory to the department.

### **Georgia SB 488** (Signed 5/14/2008)

This law allows non-citizens who are eligible for U.S. driver's licenses to keep their foreign licenses, except for persons who are required to terminate any previously issued identification card pursuant to federal law. This information will be kept on record through the Georgia Crime Information Center. This law adds verification of lawful presence to the requirements for obtaining a temporary license, permit, or special identification card, which will be valid only for the period of their authorized stay. If the Systematic Alien Verification for Entitlements (SAVE) program does not provide sufficient information to determine lawful presence, a verbal or e-mail confirmation of the legal status of the applicant from the Department of Homeland Security (DHS) will be necessary.

### **Idaho HB 366** (Signed 3/5/2008)

Under this law, applicants who are not lawfully in the U.S. shall not be issued driver's licenses. This law removes social security cards as a form of verification for licenses and identification cards; all Social Security Numbers will be verified through the Social Security Administration (SSA). Driver's licenses and identification cards issued to non-citizens or non-permanent residents will expire at the same time as their lawful stay in the United States. Persons whose DHS documents do not have an expiration date shall be issued a driver's license with an expiration date of one year from the date of issuance.

### **Idaho HB 606** (Signed 4/9/2008)

This law states the findings of the legislature that the Real ID Act will cause unneeded expense and inconvenience to the people of the state. It declares that the Idaho transportation board and the Idaho transportation department, including the motor vehicles division are directed not to implement the provisions of the Real ID Act. Idaho will continue to enhance the security of driver's licenses and identification cards.

### **Louisiana HB 715** (Signed 7/7/2008)

This law directs the Department of Public Safety and Corrections, including the office of motor vehicles, not to implement provisions of the Real ID Act, and to notify the Governor of any attempt of the DHS to implement such provisions.

### **Maine HF 1669a** (Signed 4/17/2008)

The Secretary of State may not issue a license or identification card to an applicant unless the applicant is legally present in the United States. A license or identification card issued to an applicant who is not a citizen or a legal permanent resident of the United States expires when the applicant's visa expires. This law mandates participation in the SAVE Program by December 1, 2009. If the U.S. Congress repeals the Real ID Act, the Secretary of State shall submit proposed legislation to the joint standing committee of the legislature that returns Maine law regarding the issuance of driver's licenses and identification cards to what it was prior to the effective date of this Act.

### **Michigan HB 5535** (Signed 3/13/2008)

This law authorizes the Secretary of State to enter into a Memorandum of Understanding with any federal agency in order to issue an enhanced driver's license or official state personal identification card as proof of identity and citizenship. Enhanced driver's licenses or identification cards may be

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issued to an applicant who provides proof of their full legal name, U.S. citizenship, identity, date of birth, social security number, residence address, and a photographic identity document. The Secretary may enter into an agreement with the United Mexican States, Canada or a Canadian province for the purpose of implementing a border crossing initiative. Making false certification or statements while applying for an enhanced driver's license or identification card is a felony punishable by up to five years in prison, a fine up to \$5,000 or both.

### **Michigan SB 712** (Signed 3/13/2008)

Under this law, a non-citizen applicant for a chauffeur's or operator's license must supply a photographic identity document to verify their legal presence in the U.S. A person legally present in the United States includes a person with nonimmigrant status authorized under federal law, a person authorized by the U.S. government for employment, and a person with an approved immigrant visa or labor certification.

### **Oregon SB 1080a** (Signed 2/15/2008)

Under this law, the Department of Transportation will require applicants to provide proof of legal presence in the United States and a social security number in order to obtain licenses and identification cards. If an applicant is ineligible for a social security number, the applicant must provide proof of ineligibility. If an applicant cannot provide the necessary documentation for a driver's license, permit, or identification card but can certify to being legally present, the applicant can be issued an applicant temporary driver permit or an applicant temporary identification card, valid for 90 days from the date issued. Limited term licenses, permits, or identification cards are only valid during the period of authorized legal status up to eight years and must indicate the expiration date.

### **Oregon HB 3624a** (Signed 3/11/2008)

This law requires an annual report by the Department of Transportation for the Legislative Assembly describing the effects of implementation and fiscal impact of Chapter 1, Oregon Laws 2008 including changes in rates of unlicensed drivers and multiple passenger accidents relating to the transportation of laborers.

### **Tennessee SB 2907** (Signed 3/5/2008)

The law removes the one year minimum period of issuance for temporary license or photo identification license issued to persons legally admitted to the United States for a limited stay and reiterates that the license is valid only during the period of time of the applicant's authorized stay.

### **Utah HB 26** (Signed 3/14/2008)

This legislation changes the definition of satisfactory evidence of identity as provided by an individual to a notary to exclude driver's licenses and specifies that the evidence of identity must be a valid item of personal identification issued by the U.S. government, any U.S. state, or a foreign government.

## VETOED

### **Georgia HB 978** (Vetoed 5/14/2008)

This law mandates that when a driver without a license is found operating a motor vehicle, that vehicle shall be impounded and only released to a person with a valid license. Exceptions to this include a migrant farm worker working less than 90 days in a year with a valid driver's license issued

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by another state, a nonresident at least 16 years of age with a valid license in their home state or country, a nonresident on active duty in the U.S. Armed Forces with a valid license issued by their home state, such nonresident's spouse or dependent child who has a valid license issued by their home state, and any person driving or operating a farm tractor or farm implement temporarily on a highway for the purpose of conducting farm business. Any restrictions which would apply to a Georgia driver's license as a matter of law would apply to the privilege afforded to out-of-state licenses.

### Professional Licenses

#### **Alabama SB 161** (Signed 4/1/2008)

Under this law, a license from the Real Estate Appraisers Board shall be issued only to U.S. citizens, aliens with permanent resident status, legal presence, or a nonresident who agrees to sign an affidavit.

#### **Alabama SB 164** (Signed 4/10/2008)

Applicants for a license from the Board of Massage Therapy must be a U.S. citizen, or a person who is legally present in the U.S. and has supporting documentation from the federal government.

#### **Alabama SB 170** (Signed 4/10/2008)

This law requires the Alabama State Board of Public Accountancy to grant a license or permit only to a U.S. citizen, a person who is legally present in the U.S. with documentation from the federal government, or a person who has duly declared their intent to become a citizen.

#### **Alabama SB 172** (Signed 4/8/2008)

Under this law, applicants for a funeral director's position within the Alabama Board of Funeral Service must be U.S. citizens or legally present in the United States. The board may revoke any certificate or registration granted to a person who failed to become a U.S. citizen within six years of certification or registration.

#### **Alabama SB 181** (Signed 4/1/2008)

This law states that in order to obtain a license from the State Board of Auctioneers, an applicant must be a U.S. citizen or be legally present in the United States.

#### **Alabama SB 183** (Signed 4/10/2008)

This law mandates that an applicant for licensure under the Real Estate Commission must be a U.S. citizen, a person who is legally present in the United States with documentation from the federal government, or an alien with permanent resident status.

#### **Alabama SB 187** (Signed 4/10/2008)

This law mandates that an applicant for licensure under the Board of Examiners of Assisted Living Administrators must be a U.S. citizen or a person who is legally present in the United States with appropriate documentation from the federal government.

#### **Alabama SB 201** (Signed 4/10/2008)

This law states that an applicant for licensure under the Board of Examiners of Mine Personnel must be a citizen of the state and the United States or have legal presence with appropriate documentation from the federal government.

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### **Florida SB 2012** (Signed 6/23/2008)

This law establishes that one must be a U.S. citizen or legal alien who possesses work authorization from the U.S. Citizenship and Immigration Services (USCIS) and is a resident of Florida to be qualified for a public adjuster apprentice license.

### **Louisiana HB 605** (Signed 7/1/2008)

This law mandates that under the Louisiana Trust Code, the trustee of a charitable trust must be a U.S. citizen or a resident alien.

### **Mississippi SB 2422** (Signed 4/21/2008)

This law states that licensed professional counselors must be residents, pay income tax in Mississippi, or have an immigration document to verify legal alien work status issued by USCIS. First time applicants must apply to the Department of Public Safety for a state and national background check.

### **Tennessee HB 2954** (Signed 5/1/2008)

This law requires that a person be a U.S. citizen or legal permanent resident to hold the office of notary public.

### *Firearms and Hunting/Fishing Licenses:*

#### **Arizona HB 2486** (Signed 3/21/2008)

This law states that an undocumented alien or a nonimmigrant traveling with or without documentation is a prohibited possessor of a deadly weapon. This does not include nonimmigrant aliens with valid hunting licenses or those who enter to participate in hunting trade shows, competitive shooting events, or have received a waiver from the U.S. Attorney General.

#### **Florida SB 948** (Signed 6/10/2008)

Under this law, the Department of Agriculture and Consumer Services may only issue licenses to carry concealed weapons or firearms to U.S. citizens or permanent resident aliens as determined by USCIS.

#### **Kentucky HB 639** (Signed 4/14/2008)

This law states that prior to issuing an original or renewal license to carry a concealed deadly weapon, the Department of the Kentucky State Police will conduct a background check to determine eligibility. The application for a license will require the citizenship and social security number of the applicant, and an alien registration number, a visa number, or a passport number to determine immigration status and eligibility. An applicant who is not a citizen and has been lawfully admitted must present their Permanent Resident Card I-551 or other U.S. government issued evidence of admission and residency.

#### **Maine SB 776** (Signed 4/18/2008)

Under this law, residency is defined for the purpose of obtaining a hunting and fishing license. A resident is defined as a U.S. citizen or alien who has lived in Maine for one year, is in compliance with state income taxes, possesses or has applied for a Maine driver's license, is registered to vote in Maine if registered at all, and has registered all vehicles with the state. A full time student is considered a resident if he or she satisfies all these requirements.

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### **Virginia HB 1414** (Signed 3/27/2008)

Under this legislation, the county or city circuit court must revoke the concealed handgun permit of any person convicted of an offense that would disqualify the person from obtaining a permit. This would include aliens whose legal permanent resident status has changed.

### **Virginia SB 382** (Signed 3/5/2008)

This legislation makes selling, giving, or otherwise providing a firearm to someone who is not lawfully present in the United States, or possessing firearms with the intention to do any of the above, a class 6 felony, except under limited special circumstances.

## LAW ENFORCEMENT (12)

*Twelve laws were enacted in ten states: Alabama, California, Colorado, Georgia, Hawaii, Mississippi, North Carolina, Tennessee, Utah and Virginia. One bill in Arizona was vetoed by the Governor.*

*These laws generally deal with immigrant detention processes, bail determinations and law enforcement officer responsibilities.*

### **Alabama HB 28** (Signed 5/1/2008)

This law makes holding federal wards in state or local juvenile detention facilities for longer than 24 hours for the purpose of returning them to their countries of citizenship a violation of the deinstitutionalization of status offender requirement.

### **California AB 2448** (Signed 9/27/2008)

The Act provides for permissions to proceed without paying court fees and costs because of an applicant's financial condition for a person who is receiving public benefits under the Cash Assistance Program for Aged, Blind, and Disabled Legal Immigrants (CAPI).

### **Colorado HB 1348** (Signed 5/1/2008)

This law authorizes officers of the Federal Protective Service of the Immigration and Customs Enforcement (ICE) to serve as peace officers. It grants ICE officers recognition as federal law enforcement officers who are empowered to make arrests for violations of the U.S. Code and are authorized to carry a firearm and use deadly force in performing their duties. It clarifies that after making an arrest under the authority of this law, an ICE officer must transfer custody of the arrested individual to a Colorado peace officer.

### **Colorado SB 134** (Signed 5/20/2008)

Under this law, 50 percent of bonds and fees recovered from persons illegally in the country who are charged with felonies or class 1 or 2 misdemeanors will be credited to the county jail assistance fund; the other 50 percent will be given to the capital construction fund.

### **Georgia SB 350** (Signed 5/14/2008)

This law requires that a reasonable effort be made to determine the nationality of persons convicted of driving without a license, in addition to any person charged with a felony or with driving under the influence who is confined in jail,

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### **Hawaii HB 3040** (Signed 5/16/2008)

This law requires each covered sex offender and offender against a minor to register with a signed statement that includes passports or documents establishing immigration status if the covered offender is an alien and a statement indicating whether the covered offender is a U.S. citizen. A digitized copy of an offender's passport or documentation of immigration status will be included in the registry.

### **Mississippi SB 3124** (Signed 5/10/2008)

This law makes appropriations for the Department of Public Safety for FY 2009, including \$1 million for the DHS with authorization to increase both funds and number of positions if any additional funding is received. Cost study: The Department of Public Safety will also submit a cost study report to the Legislature on state enforcement of federal immigration laws by December 31, 2008.

### **North Carolina SB 1955** (Signed 8/8/2008)

The law provides for the limited release of certain prisoners into the custody of immigration officials for deportation.

### **Tennessee HB 4001** (Signed 5/19/2008)

This law bars any law enforcement office from using racial profiling, defined as detention or disparate treatment of an individual on the basis of their actual or perceived race, color, ethnicity, or national origin. People who believe they were subjected to a motor vehicle stop resulting from racial profiling can file a report in electronic format through the Attorney General's office. A person aggrieved by violation of this law may file a lawsuit.

### **Utah HB 492** (Signed 3/18/2008)

This law requires sex offenders to provide the department or registry with all documents, telephone numbers, internet identifiers, and professional licenses establishing their immigrant status if the offender is an alien. Nonresident offenders are required to register as offenders in the state if the offender is in Utah for ten or more days during the year.

### **Virginia HB 440/SB 623** (Signed 3/8/2008)

This law creates a rebuttable presumption against bail for any person who is determined to be present illegally in the United States and who is charged with any of the following offenses: any violent crime including any murder or assault, any felony drug offense and any firearm offense. The presumption only applies if ICE agrees to issue a detainer for removal of the detainee and agrees to pay for the cost of incarceration after issuance of the detainer.

### **Virginia HB 820/SB 609** (Signed 3/3/2008)

This law requires an officer in charge of a jail or correctional facility to inquire the immigration status of a person with ICE. The facility officer shall communicate the results of this immigration alien query to the State Compensation Board which shall communicate on a monthly basis the results of any query confirming that a person is illegally present in the United States to the Virginia Central Criminal Records Exchange.

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### Vetoed (1)

#### **Arizona HB 2807** (Vetoed 4/28/2008)

This bill states that officials, agencies, or cities will not be prohibited from sending or receiving information regarding immigration status of any individual for the purpose of determining public benefit eligibility, confirming an identity of a person who was arrested, or verifying a claim of legal domicile. County sheriffs and police officers will be trained by a federal entity as peace officers to coordinate with ICE to implement these provisions.

### To Governor (1):

#### **Illinois HB 4613** (Passed both Houses 11/20/2008)

The Access to Religious Ministry Act of 2008 provides that county jails shall be required to provide to religious workers reasonable access to immigration detainees, who want to consult with such workers regarding their spiritual needs.

## LEGAL SERVICES (2)

*Two laws were enacted in two states: Georgia and Wisconsin.*

#### **Georgia HB 1055** (Signed 5/14/2008)

This law expands the regulations regarding private immigration assistance providers.

#### **Wisconsin AB 468** (Signed 3/19/2008)

The law mandates that a notary public may not state or imply that he or she is an attorney licensed to practice law in this state and may not solicit or accept compensation to prepare documents for or otherwise represent the interests of another person in a proceeding relating to immigration to the United States or U.S. citizenship. The law also provides for fines.

## MISCELLANEOUS (35)

*Thirty-five laws were enacted in twenty-one states: California, Colorado, Connecticut, Florida, Georgia, Illinois, Indiana, Iowa, Maine, Maryland, Missouri, Nebraska, New Jersey, New Mexico, New York, North Carolina, Ohio, Pennsylvania, Utah, Virginia and Washington.*

*These laws provide for immigration related commissions and studies. This section also includes budget and appropriation laws referring to non-citizens.*

#### **Connecticut HB 5321** (Signed 6/12/2008)

The Act establishes an Asian Pacific American Affairs Commission to work in consultation with state agencies to develop programs that address issues as they affect the Asian Pacific American community, including access to health care, housing, job training, access to the legal system, mental health and addiction services, economic development, workplace justice and equality, immigration, education and English language instruction.

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### **Illinois HB 4369** (Signed 8/15/2008)

The Act establishes the commission on the elimination of poverty. According to the law, one member must be a representative of an organization that advocates for immigrants.

### **Indiana HB 1125** (Signed 3/24/2008)

The Act requires that the estimated tax for a nonresident alien (as defined in the Internal Revenue Code) must be computed by applying not more than one exclusion on the taxpayer's final return for the taxable year. Effective January 1, 2009.

### **Maryland HB 1602** (Signed 5/13/2008)

The law establishes a commission to study the impact of immigrants in Maryland.

### **Nebraska LB 92** (Signed 2/7/2008)

The Act relates to foreign national minors and changes references to “dual citizenship” into “multiple nationalities”.

### **New Jersey AB 2869** (Signed 9/12/2008)

The law provides for the Ellis Island Institute, which is intended, among other things, to focus on immigration, world migration, public health, cultural and ethnic diversity, and family history.

### **Ohio HB 562** (Signed 6/18/2008)

The law expands the existing Hispanic-Latino affairs commission by two ex officio, nonvoting members who are members of the general assembly. The Speaker and President shall make their appointments so that the initial ex officio members begin their terms October 7, 2008.

### **Utah HB 262** (Signed 4/2/2008)

The law instructs the office of legislative research to conduct a study of state remedies to recover any money owing from the federal government to the state for the reimbursement of costs incurred from illegal immigration. On or before November 1, 2008, the office is asked to file a written report that details the findings.

### **Washington HB 2815** (Signed 3/14/2008)

The law requires the department of ecology to establish goals to reduce annual per capita vehicle miles. Prior to implementation of the goals the department, in consultation with several stakeholders, shall provide a report on the anticipated impacts of the goals, specifically the impacts on the migrant farm worker community.

### *Budgets and Appropriations*

### **California AB 88** (Signed 9/23/2008)

The Act provides \$8.8 million of reimbursements to CALWORKS participants. Providers of adult basic education, English as a Second Language, and English as a Second Language-Citizenship for legal permanent residents, shall grant priority for services to immigrants facing the loss of federal benefits under the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (P.L. 104-193). The law also provides for citizenship and naturalization preparation services.

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### **California AB 1781** (signed 9/23/2008)

The Act provides funding for various migrant related services. The Governor's veto reduced by \$340,000 the allocation to migrant housing. The Act allocates ten percent of the Community Services Block Grant to migrant and seasonal farm worker programs; \$600,000 for a three-year program evaluation to meet federal Title I Migrant Education Program requirements; and funds migrant day and child care.

### **Colorado HB 1285** (Signed 3/17/2008)

This law appropriates funds to the Department of Health Care Policy and Financing. It appropriates \$47 million for medical service premiums for non-citizens, and \$3,000 for SAVE.

### **Colorado HB 1287** (Signed 3/17/2008)

This law appropriates \$37.2 million to the Department of Human Services Office of Operations, of which \$71,000 shall be from the U.S. Department of Health and Human Services Office of Refugee Resettlement. It appropriates \$3.9 million to special purpose welfare programs to refugee assistance. It appropriates \$49.8 million to SAVE.

### **Colorado HB 1375** (Signed 3/17/2008)

This law appropriates \$97.3 million for payments to in-state private prisons, from which \$2.4 million shall be from reserves in the State Criminal Alien Assistance Program Cash Fund. It appropriates \$53,000 for SAVE, \$4 million for refugee assistance, \$1.2 million for Peace Officers standards and training board support, and provides funds for English Language Proficiency Programs and the Department of Health Care Policy and Financing for services for non-citizens.

### **Florida SB 2102** (Signed 4/21/2008)

This law mandates that the Agency for Health Care Administration oversees the Refugee Assistance Trust Fund, which uses federal grant funds under the Refugee Resettlement Program and the Cuban/Haitian Entrant Program to provide medical assistance to eligible individuals.

### **Florida SB 2116** (Signed 4/21/2008)

This law terminates the Refugee Assistance Trust Fund within the Department of Children and Family Services.

### **Georgia HB 989** (Signed 3/21/2008)

This law appropriates funds for refugee assistance and provides for the continuation of funds to adult essential health treatment services, which includes services for refugees. It creates a local assistance grant providing \$30,000 for the Hall County Board of Education to assist in the development of an English Language Literacy Lab. It increases funds for the English Language Learners Exam.

### **Georgia HB 990** (Signed 5/14/2008)

This law appropriates funds for refugee assistance, the English Language Learners Assessment, and adult essential health treatment services.

### **Illinois HB 5701** (Signed 7/10/2008)

This appropriations Act allocates \$802 million in income assistance and related purposes to the Department of Human Services, including \$1.6 million for refugees, \$5.2 million for expenses associated with Immigration Integration Services, and \$5.2 million for Immigrant Services. The legislation appropriates \$3.1 million for grants associated with migrant child care services, \$10.5

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million for refugee resettlement purchase of service from the Assistance to the Homeless Fund, and \$2 million to the State Board of Education for refugee services.

### **Illinois SB 1102** (Signed 7/9/2008)

This law appropriates grants to assist Community and Migrant Health Centers to expand service capacity and develop additional sites.

### **Iowa HB 2699** (Signed 5/13/2008)

This law appropriates \$12.4 million for the operation of field offices, the workforce development board, and new centers to offer services to deal with issues related to immigration and employment. It appropriates \$500,000 for Integrated Basic Education and Skills Training (I-Best) which provides English language services in community colleges.

### **Maine HB 1651** (Signed 3/21/2008)

This law reduces funds for purchased social services, which include refugee services. It reduces funding for state-administered food stamps to legally-admitted aliens who are no longer eligible for federal food stamps.

### **Maryland SB 90** (Signed 4/5/2008)

This law appropriates \$75,000 for the Russian Immigrants Program, \$35,000 within the Governor's Office for Children for citizenship law-related education, and appropriates funds for the limited English proficient general fund.

### **Missouri HB 2002** (Signed 6/27/2008)

This legislation appropriates \$800,000 to the Department of Elementary and Secondary Education for the Refugee Children School Impact Grants.

### **Missouri HB 2010** (Signed 6/27/2008)

This appropriations Act allocates \$200,000 for providing naturalization assistance to refugees and legal immigrants who have lived in Missouri for more than five years and need special assistance in completing the requirements for citizenship.

### **New Mexico HB 2** (Signed 2/12/2008)

This budget appropriates \$566,600 to the border authority for the border development program, with provisions to request budget increases up to \$25,000 from other state funds for FY 2009, and \$558.7 million for the Mexican affairs program to support trade with and relocating businesses to Mexico, including \$60,000 for border area economic development.

### **New Mexico SB 352** (Signed 3/3/2008)

This law recalls the unexpended balance of a previous appropriation for a center to assist immigrants in gaining U.S. citizenship and appropriates it to build an opera rehearsal hall.

### **New York SB 6800** (Signed 4/23/2008)

This law appropriates \$34 million for services and expenses associated with incarceration of illegal aliens. It also includes \$32.5 million for services and expenses associated with incarceration of illegal aliens for the period from October 1, 2006, to September 30, 2006.

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### **New York SB 6803** (Signed 4/23/2008)

This law appropriates funds, including \$126 million for administration of federal grants in connection with federal law, including title III language instruction for limited English proficient and immigrant students. The legislation provides \$2.4 million for services related to programs to assist non-citizens in attaining citizenship status and \$25 million for enhanced services to refugees, asylees, victims of human trafficking and their family members, and other immigrant populations eligible for refugee services, including case management, ESL, job training and placement assistance, and post-employment services.

### **New York SB 6804** (Signed 4/23/2008)

This law includes an allocation for migrant worker services. It also provides \$430,000 for services and expenses to community health centers to provide care to migrant and seasonal farmworkers and their families, among others.

### **New York SB 6809** (Signed 4/23/2008)

The law extends the current proportional distribution of community services block grant funds for migrant and seasonal farm worker organizations for FY 2009.

### **North Carolina HB 2436** (Signed 7/16/2008)

Law enforcement: Provides that by March 1, 2009, the North Carolina Sheriffs' Association (NCSA) shall submit a report to the legislature on the operations and effectiveness of the "Illegal Immigration Project", which, in cooperation with ICE, provides technical assistance and advice to Sheriffs on Immigration and Customs Enforcement and participation in the 287 (g) program.

Health care: To be eligible for NC Kids' Care, among other criteria, a child must be a resident of this State, meet applicable federal citizenship and immigration requirements, and be eligible under federal law.

### **Pennsylvania SB 1297** (Signed 7/4/2008)

The Department of Education may establish a restricted receipt account for emergency immigration education assistance.

### **Utah HB 3** (Signed 3/20/2008)

This law appropriates an additional total of \$1,601,700 to implement the provisions of SB 81, an omnibus bill relating to immigration issues, for FY 2009.

### **Virginia HB 30** (Signed 5/9/2008)

This law directs the Department of Social Services to develop a multi-lingual outreach program to ensure access to food stamps for qualified aliens who are U.S. citizens, to minimize the procedural burden on qualified aliens, and to provide that the eligibility of a qualified alien for Temporary Assistance for Needy Families (TANF) and social services will be determined without regard to immigration status to the extent possible. The legislation appropriates \$300,000 over two years to train law enforcement in immigration law, policy, and the Spanish language. The legislation provides for a shorter certification period for food stamps for households containing migrants. It prohibits the Virginia State Bar and the Legal Service Corporation of Virginia from using funds provided in the act to file lawsuits on behalf of aliens present in the United States in violation of the law. The legislation provides that payments received pursuant to the State Criminal Alien Assistance Program for housing illegal aliens, estimated at \$2 million over two years, will be deposited directly into the general fund.

OMNIBUS / MULTI-ISSUE LEGISLATION (3)

*Three laws were enacted in Missouri, South Carolina and Utah.*

**Missouri HB1549** (Signed 7/7/2008)

*This law addresses law enforcement, public benefits, employment, and ID/licenses.*

**Law enforcement:** The law requires state highway patrol to be trained in accordance with a memorandum of understanding with DHS to enforce federal immigration law. It prohibits sanctuary policies. It is unlawful to knowingly transport any illegal alien for the purposes of drug trafficking, prostitution, or employment and establishes a felony with penalties of one year imprisonment and/or \$1,000. The arresting agency shall verify immigration status of those confined to jail through the Law Enforcement Support Center, and notify DHS of any who are present unlawfully. Unlawful status will be considered when judging release on bail.

**Public benefits:** The law prohibits immigrants unlawfully present from receiving state or local public benefits, with the exceptions provided under 8 USC 1621(b). This does not prohibit emergency medical care, prenatal care, services offering alternatives to abortion, emergency assistance or legal assistance. It requires proof of lawful status for those over 18. Lawful presence must be verified by the federal government. **Employment:** No employer shall knowingly employ an unauthorized alien. Any public contractor or subcontractor must, by sworn affidavit, affirm its enrollment and participation in a federal work authorization program. All public employers must enroll and participate in a federal work authorization program. If a court finds that a business knowingly employed someone not authorized to work, the company's business permit and licenses shall be suspended for 14 days. Upon the first violation, the state may terminate contracts and bar the company from doing business with the state for 3 years. Upon the second violation, the state may permanently debar the company from doing business with the state. Compensation shall not be allowed as a business expense deduction for unauthorized aliens. **ID/driver's licenses:** The law prohibits the Department of Revenue from issuing driver's licenses to illegal aliens or any person who cannot prove lawful presence in the U.S. It create a class A misdemeanor for fraudulent applications for driver's licenses.

**South Carolina HB 4400** (Signed 6/4/2008)

*The Illegal Immigration Reform Act relates to employment, law enforcement, public benefits, ID/ licenses, legal services and education.*

**Employment:** The Act requires public employers and public contractors to register and participate in the federal work authorization program E-Verify to verify all new employees. All public employers, private employers with more than 100 employees and public contractors with more than 500 employees must comply with the law's provisions on or after January 1, 2009; contractors with more than 100 employees on July 1, 2009; and all other contractors on January 1, 2010. The penalty for knowingly hiring unauthorized immigrants is a felony and punishable with up to five years in prison. The law provides for a private cause of action for an authorized employee, if he or she is discharged and replaced with an unauthorized employee. A business expense deduction for an unauthorized worker is disallowed and the law mandates withholding of seven percent income tax, if the employee does not provide a SSN or ITIN. **Law enforcement:** The law requires a Memorandum of Understanding (MOU) with DHS or DOJ, regarding the enforcement of federal immigration laws. The act establishes an immigration violation hotline. It makes it a felony to harbor, transport or conceal unauthorized aliens. It requires jail officers to determine the nationality and immigration status of prisoners by using DHS' Law Enforcement Support Center. The law considers immigration

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status a variable when courts determine the conditions of release. **Public benefits:** The law mandates lawful presence in order to receive public benefits and provides for exceptions, such as emergency health and disaster relief services, immunizations, prenatal care and domestic violence. Immigrant applicants have to submit an affidavit of their lawful presence, which will be subsequently verified through the federal SAVE program. **ID/ licenses:** The laws makes it unlawful for an unauthorized immigrant to own firearms and prohibits the sale to such immigrants. The law also addresses identity theft and fraud and provides for penalties. **Legal services:** The law defines immigration assistance services and limits provision of legal immigration services to licensed attorneys and institutions. **Education:** Unlawfully present aliens are not eligible to attend a public institution of higher learning and do not qualify for higher education benefits such as resident tuition, scholarships or loans. **Miscellaneous:** The Act establishes a minority commission. The Act is effective immediately.

### Utah SB 81 (Signed 3/13/2008)

*This law addresses law enforcement, ID/licenses, employment and public benefits.*

**Law enforcement:** The law requires the attorney general to negotiate a Memorandum of Understanding with DHS for the enforcement of federal immigration law by state and local law enforcement personnel. Local governments may not prohibit a law enforcement officer from cooperating or communicating with federal officials regarding the immigration status of a person. The law makes it a class A misdemeanor for a person to transport, conceal, harbor or shelter unauthorized immigrants, knowing or in reckless disregard that the alien is in the United States in violation of federal law. County sheriffs must make a reasonable effort to verify immigration status of confined foreign nationals. **ID/licenses:** The Alcoholic Beverage Control Commission may not grant a restaurant liquor license to a person not lawfully present in the United States. The law requires IDs to be issued only to US citizens, nationals or legal permanent residents with certain exceptions. **Employment:** The law requires public employers, public contractors and subcontractors to use the federal work authorization program. It is unlawful to discharge a lawful employee while retaining an unauthorized alien in the same job category. **Public benefits:** It requires a state agencies to verify lawful presence of public benefit applicants through SAVE and provides for exceptions. The law takes effect on July 1, 2009.

## PUBLIC BENEFITS (9)

*Nine laws were enacted in seven states: California, Colorado, Delaware, Iowa, Minnesota, New York and Utah. One bill was vetoed in Florida.*

*These laws relate to immigrant eligibility requirements for benefits and the provision of services to immigrants.*

### California AB 2405 (Signed 8/1/2008)

The Act permits a county to authorize an additional fee to be imposed upon a conviction for specified crimes of domestic violence, to be deposited into a fund in each county to be used for domestic violence prevention programs that focus on assisting women who are immigrants, refugees, or persons who live in rural communities.

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### **Colorado SB 177** (Signed 6/2/2008)

This law addresses the Colorado Works Program, Colorado's TANF program. The law redefines "qualified alien" to refer directly to the definition used by the state board that conforms with the definition set out in the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA). Under this legislation, the state department of human services is no longer explicitly required to report the citizenship status of members of families participating in the Colorado Works Program. The statute requiring the state department to report names and addresses of unlawful aliens to INS, except those who only receive benefits from Medicaid, is also repealed.

### **Delaware SB 225** (Signed 4/24/2008)

The law authorizes the Family Court to allow Rama Bah to adopt Raghiaou Bah. Rama is a citizen of Guinea and has a valid green card, having come to the United States seeking political asylum. Because Raghiaou is not her biological child, she has not been able to secure a green card for her, as she has for her other children, because the USCIS requires DNA samples to prove relationship for immigration purposes. For Raghiaou to benefit from Rama's favorable immigration status, she must be adopted before her 16th birthday, which is June 14, 2008.

### **Delaware HB 500** (Signed 7/21/2008)

The Act extends Family Court jurisdiction to two non-citizen children, Melissa Samantha Rudolph and Rene Andre Rudolph, who need to be eligible for long term foster care to qualify for Special Immigrant Juvenile Status under federal immigration law. The Act allows that jurisdiction to end once the immigration application is approved or the subject of the extended jurisdiction turns 21.

### **Iowa SF 2430** (Signed 4/29/2008)

This law provides for the creation of an individual development account program for low-income refugees, subject to available funding. To assist in addressing the special needs of refugee families, the state would match deposits in those accounts up to \$2,000. The law also provides \$475,000 in grants for community micro-enterprise development organizations that serve underserved and low-to moderate-income individuals.

### **Minnesota HF 3376** (Signed 5/23/2008)

Under this law, asylees, in addition to refugees, who have been in the U.S. for less than one year before applying are barred from being eligible for the diversionary work program, which is part of Minnesota's TANF program. The legislation also establishes the Interstate Compact for the Placement of Children, which excludes children entering the United States for the purpose of adoption from its jurisdiction. Additionally, the courts will also ensure that children exiting the foster care system have assistance in obtaining the documents necessary to live on their own, including green cards and school visas.

### **New York AB 10228** (Signed 9/25/2008)

The Act provides that an alien, including a nonqualified alien, is eligible for residential services for victims of domestic violence.

### **New York AB 2019** (Signed 7/21/2008)

The Act provides that a final judgment of adoption granted by a jurisdiction or country other than the United States shall have the same force and effect as a final judgment entered by a court of the state, provided such judgment meets specified criteria. The law also provides for the issuance of birth certificates for foreign adoptions.

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### Utah HB 336 (Signed 3/17/2008)

This law creates the Refugee Services Fund, which will provide grants to refugee organizations that help meet the employment, language, education, health care, and other needs of refugees, and will encourage refugees who receive services to become donors to the fund once their financial situations improve.

### Vetoed (1)

### Florida HB 1193 (Vetoed 6/25/08)

This legislation would have provided for the development of a plan to implement a statewide electronic benefits transfer program for the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC). The program was structured to enable an individual who receives an electronic benefit transfer card for food stamp benefits and temporary assistance payments—including refugee cash assistance payments and asylum applicant payments—to also use that card for WIC benefits.

## VOTING (1)

*One law was enacted in Virginia.*

### Virginia HB 1185 (Signed 3/26/2008)

The Act requires the general registrar to notify all persons found not to be U.S. citizens prior to canceling their registrations. The notice shall allow the person to submit a sworn statement that he or she is a U.S. citizen within 14 days of the date that the notice was mailed.

## RESOLUTIONS (64)

*Sixty-four resolutions and memorials were adopted in nineteen states: Alabama, California, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Michigan, New Jersey, New Mexico, Pennsylvania, Rhode Island, South Carolina, South Dakota, Utah, Virginia, Washington and Wisconsin.*

*These resolutions and memorials generally request Congressional or presidential action and honor immigrants or institutions for their contributions.*

### Alabama HR 413 (4/8/2008)

This resolution requests the Governor and the Department of Corrections to identify incarcerated illegal immigrants and take necessary action to facilitate their prompt deportation by December 31, 2009.

### Alabama HR 537 (4/15/2008)

This resolution salutes the 2008 Madison County Volunteer Income Tax Assistance staff of Huntsville for their services benefiting, among others, legal immigrants.

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### **Alabama SJR 38 (5/6/2008)**

This resolution urges the President of the United States and Congress to develop a comprehensive guest worker program, ensure that federal benefits are delivered to qualified applicants, allocate adequate resources to the U.S. DHS to secure the borders and ensure that the current E-Verify system is fully functional.

### **Alabama SJR 39 (5/8/2008)**

This resolution urges the Governor to look into reimbursable expenses from the federal government pertaining to illegal immigration; establish a task force to look at abuses in public medical services and to propose recommendations; expand the current 287(g) program to serve target areas where the illegal immigrant population has caused issues with public health services, public education and in the community in general; train law enforcement to identify a suspect's resident status during processing; require the Department of Industrial Relations to check employee names against mismatches of social security numbers; require the Alabama Development Office, the Alabama Department of Economic and Community Affairs, and AIDT to help businesses recruit legal workers and study and seek to implement a reliable employment/pre-employment verification system.

### **California ACR 86 (1/29/2008)**

This resolution proclaims January 13, 2008 as Korean-American Day.

### **California ACR 108 (7/3/2008)**

This resolution designates June 2008 as Hate Crimes Awareness Month and notes that the underreporting of hate crimes is the result of a variety of factors that include the victim's lack of knowledge about the criminal justice system, fear of retaliation, linguistic and cultural barriers, immigration status, and prior negative experience with governmental agencies.

### **California ACR 145 (9/5/2008)**

This resolution designates the month of October as Italian American Heritage Month and encourages public schools to highlight Italian American achievements and contributions to the culture of the state and to include these contributions in textbooks.

### **California ACR 121 (5/12/2008)**

This resolution designates that the week of April 20 to 26, 2008 be deemed the "National Multicultural Cancer Awareness Week." This resolution encourages the federal, private, and state sectors to promote policies in order to reduce cancer disparities.

### **California ACR 135 (5/28/2008)**

This resolution commends Asian and Pacific Islander Americans for their accomplishments and service to the state, and recognizes the month of May 2008 as Asian and Pacific Islander Heritage Month.

### **California ACR 146 (9/19/2008)**

This resolution encourages faculty and student exchange between California's and Mexico's institutions of higher education through the California-Mexico Project; requests the State Research Bureau to research and report on elements of an effective international student and faculty exchange program; and requires state universities and community colleges to provide the bureau with data on such international exchange programs, program funding and other pertinent information.

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### **California AJR 65 (9/5/2008)**

This resolution recognizes the critical role that the Filipino community has played in the social, economic, and political development of California throughout the state's history, and encourages all federal, state, and local organizations to promote the preservation of Filipino history and culture.

### **California AJR 67 (9/19/2008)**

This resolution urges the President and the Vice President of the United States and the U.S. Congress to enact federal legislation amending the Immigration and Nationality Act to waive certain requirements for naturalization for American Samoan nationals to become U.S. citizens.

### **California SCR 93 (6/4/2008)**

This resolution declares 2008 as the William Saroyan Year to celebrate over 100 years of the cultural contribution of Armenian Americans to the state.

### **California SCR 110 (5/28/2008)**

This resolution deems the week of April 23 to 30, 2008, as Black April Memorial Week. This week is to remember the Vietnam War era, especially the plight of Vietnamese refugees and their settlement in California.

### **Florida H 9023 (3/12/2008)**

This resolution recognizes September 2008 as Nicaraguan-American Heritage month celebrating the historical and cultural contributions of Nicaraguan-Americans.

### **Florida S 2244 (3/13/2008)**

This resolution recognizes Sheriff Don Hunter and the Collier County Sheriff's Office for completing the ICE cross-training program to improve immigration enforcement in Florida.

### **Georgia HR 1493 (2/29/2008)**

This resolution proclaims the week of February 17-23, 2008 as the League of United Latin American Citizens in Georgia week.

### **Hawaii HR 19 (3/27/2008)**

This resolution urges Congress to enact legislation to exempt children of Filipino World War II veterans from immigrant visa limits.

### **Hawaii HR 59 (4/10/2008)**

This resolution requests the Board of Land and Natural Resources to assist the Pacific Gateway Center to find an appropriate location to lease for the development of the Ke'Ehi Community Resource Center.

### **Hawaii HR 71 (3/27/2008)**

This resolution urges the President of the United States and the U.S. Congress to enact legislation to confer priority status to children born to Department of Defense personnel and foreign women for up to the nine months after deployment, in order to expedite the immigration of these children and women to the United States.

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### **Hawaii HR 86 (4/15/2008)**

This resolution urges the President, the Secretary of State, and the Secretary of Homeland Security to include the Republic of Korea in the Visa Waiver program.

### **Hawaii HR 154 (4/11/2008)**

This resolution urges the U.S. Congress to amend the definition of "Amerasians" in the Amerasians Immigration Act of 1982 to include the Philippines in the list of Asian countries where children fathered by U.S. citizens between 1950 and October 22, 1982, may be eligible for preferential admissions treatment.

### **Hawaii HR 321 (3/24/2008)**

This resolution commemorates the Filipino service men and women in the U.S. Army Reserve on the occasion of the 100th anniversary of the U.S. Army Reserve.

### **Hawaii SCR 52 (4/23/2008)**

This resolution requests the Department of Business, Economic Development, and Tourism to work with the Secretary of Homeland Security to expand the Visa Waiver Program to include Taiwan on the visa waiver list.

### **Hawaii SCR 118 (4/21/2008)**

This resolution convenes a working group within the Department of Education (DOE) to improve communication and transparency regarding their budget and data collection systems, and to develop recommendations to increase public understanding of DOE programs. This resolution recognizes that Hawaii's public schools are increasingly taking on the responsibility of educating students, especially new immigrants, who have language and cultural challenges.

### **Hawaii SCR 120 (4/21/2008)**

This resolution requests that the University of Hawaii and the DOE develop and expand Philippine Language courses and teacher training workshops, recognizing that Hawaii has the fourth highest percentage of immigrants in the country and 48 per cent of these foreign-born residents are from the Philippines.

### **Hawaii SR 26 (3/7/2008)**

This resolution urges the Department of Business, Economic Development, and Tourism to implement programs to increase visitors from Taiwan as well as create a list of Hawaii-made products appropriate for export to Taiwan. It urges USCIS and DHS to add Taiwan to the list of visa waivers.

### **Hawaii SR 44 (3/31/2008)**

This resolution requests the Department of Health and the Hawaii Public Housing Authority to determine whether TB screenings are appropriate prerequisites for persons, especially migrants from Compacts of Free Association States, entering public housing.

### **Idaho SJM 111 (3/27/2008)**

This memorial urges the President and Congress to resolve the immigration crisis by securing the national borders, stopping illegal immigration, stop providing incentives for illegal immigration, and to immediately implement a guest worker program that mandates guest-workers apply for work visas and comply with enforcement standards.

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### **Illinois HR 1025 (2/26/2008)**

This resolution congratulates the staff of the newspaper *Dziennik Zwiazkowy* on the occasion of the newspaper's 100th anniversary, specifically congratulating for outreach to new generations of Polish immigrants and their families.

### **Illinois SR 589 (5/28/2008)**

This resolution honors the life and legacy of Caesar Chavez including his advocacy for the rights of migrant workers.

### **Indiana HR 71 (3/10/2008)**

This resolution recognizes the contributions of Saint Mary's Catholic Church and its record of serving a diverse population, initially responding to the needs of German immigrants, and more recently to those of Hispanic backgrounds.

### **Michigan HR 246 (1/16/2008)**

This resolution commemorates January 13, 2008 as Korean American Day in the state of Michigan.

### **Michigan HR 382 (5/28/2008)**

This resolution commemorates May 28, 2008 as Border Patrol Agents Day in the state of Michigan.

### **Michigan HR 444 (9/23/2008)**

This resolution recognizes October 2008 as Polish Heritage Month.

### **New Jersey AJR 79 (4/9/2008)**

This resolution designates the month of April of each year as "Jewish Heritage Month."

### **New Mexico HM 50 (2/8/2008)**

This memorial urges the state to ensure that barriers and fencing on the border between Mexico and the United States adequately prevent ingress and egress of livestock.

### **New Mexico HM 60 (2/9/2008)**

This memorial requests the New Mexico health policy commission to convene a task force to study hospital funding and options for securing additional funding for uncompensated indigent patient care, and states that increased federal assistance in funding hospitals would also relieve the disproportionate burden that New Mexico hospitals bear in providing care to illegal aliens by virtue of being a border state.

### **Pennsylvania HR 606 (9/24/2008)**

This resolution designates the month of October 2008 as "Polish-American Month".

### **Pennsylvania HR 638 (3/17/2008)**

This resolution declares March 2008 to be Irish Heritage Month.

### **Pennsylvania HR 775 (6/9/2008)**

This resolution designates July 22, 2008 as the National Lao-Hmong Recognition Day.

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### **Pennsylvania SR 249 (3/10/2008)**

This resolution declares March 2008 to be Irish Heritage Month.

### **Rhode Island H 8061 (3/18/2008)**

This resolution commemorates the celebration of the Feast of Saint Patrick, Patron Saint of Ireland.

### **Rhode Island H 8062 (3/18/2008)**

This resolution commemorates the celebration of the Feast of Saint Joseph and recognizes that Italian immigrants to Rhode Island helped form the cultural foundation of the state.

### **Rhode Island H 8065 (3/19/2008)**

This resolution extends congratulations to individuals' dedicated service to educate immigrants and refugees to become self reliant invested individuals.

### **Rhode Island S 2768 (2/27/2008)**

This resolution commemorates the 164th Anniversary of Dominican Republic Independence on February 27, 2008, and recognizes the contributions that Dominicans have made to the state and the United States.

### **Rhode Island S 2787 (3/26/2008)**

This resolution urges the U.S. Congress and the Congressional Committees on Veterans Affairs to expedite citizenship applications for veterans and members of the armed services.

### **Rhode Island S 2876 (3/18/2008)**

This resolution commemorates the celebration of the Feast of Saint Patrick, Patron Saint of Ireland.

### **Rhode Island S 2877 (3/18/2008)**

This resolution commemorates the celebration of the Feast of Saint Joseph and recognizes that Italian immigrants to Rhode Island helped form the cultural foundation of the state.

### **South Carolina H 4822 (3/6/2008)**

This House resolution requests that Mark Sanford, Governor of South Carolina, apply for an extension of the deadline to comply with the Real ID Act before the March 31, 2008, deadline, to allow South Carolina time to analyze the impact of the Real ID Act but will not require South Carolina to declare its intent to comply with this Act. This will allow the state's current credentials to be accepted by the federal government and DHS during the extension period.

### **South Carolina H 4823 (3/20/2008)**

This concurrent resolution adopted by the Senate requests Mark Sanford, Governor of South Carolina, to apply for an extension of the deadline to comply with the Real ID Act before the March 31, 2008 deadline, to allow South Carolina time to analyze the impact of the Real ID Act but will not require South Carolina to declare its intent to comply with this act.

### **South Dakota HCR 1009 (2/26/2008)**

This resolution urges the federal government to provide full funding so that when local law enforcement officers who contact ICE regarding a person suspected of committing a crime in the state and who is determined by ICE as illegal, that person may be detained or deported.

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### **South Dakota SC 1 (1/16/2008)**

This resolution congratulates all South Dakotans of Czech ancestry and supports the sixtieth annual Czech Days celebration on June 19 - 21, 2008.

### **South Dakota SC 24 (2/29/2008)**

This resolution congratulates the people of Freeman, South Dakota, for their traditional Schmeckfest celebrating the rich cultural heritage that German immigrants transported from their homeland to South Dakota.

### **South Dakota SCR 7 (2/22/2008)**

This resolution petitions the U.S. Congress to repeal the Real ID Act.

### **Utah SJR 11 (3/5/2008)**

This resolution gives the Legislative Management Committee items of study it may assign to interim committees during the 2008 legislative interim, including the study of legal standing for children and illegal immigrants, illegal immigrant crime statistics, and immigration.

### **Utah SR 3 (2/22/2008)**

This resolution urges the U.S. Congress to pass legislation to resolve the illegal immigration crisis by addressing border security, stopping illegal immigration, rejecting amnesty for illegal immigrants, ceasing any agreement leading to an open borders North American Union, and ending birthright citizenship for children of illegal immigrants.

### **Utah SCR 5 (3/13/2008)**

This resolution urges Utah's congressional delegation to ensure that any immigration reform efforts focus primarily on enabling Utah's employers to hire a legal workforce sufficient to meet the needs of Utah industries to enhance the state's economic growth. It urges Congress to reduce the delay for legal immigration, including reforming visa systems and opposes granting blanket amnesty to undocumented persons.

### **Virginia HJR 276 (2/7/2008)**

This resolution celebrates the life of Adele A. Zmarzly, who assisted Roanoke's Refugee and Immigration Services impacting thousands of immigrants.

### **Virginia HJR 466 (3/6/2008)**

This resolution commends the rescue squads, police departments, fire departments, sheriff's offices, and state and federal agencies, including ICE, that responded to the tragedy of April 16, 2007, at Virginia Tech.

### **Virginia HJR 513 (3/6/2008)**

This resolution congratulates Carol Lopez on her outstanding career as a guidance counselor at Washington-Lee High School, stating that because of her hard work and commitment, numerous minority and recent immigrant students have been inspired to continue their education beyond high school.

### **Washington SR 8713 (1/31/2008)**

This resolution recognizes the people and organizations that fight daily to combat human trafficking. It encourages others to observe the National Day of Human Trafficking Awareness.

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### Wisconsin AJR 94 (3/4/2008)

This resolution proclaims the weekend of May 16 - 18, 2008 as the "Syttende Mai Weekend" and declares that all citizens of the state are honorary Norwegians for that weekend.

### Wisconsin SJR 89 (3/5/2008)

This resolution proclaims March of every year as Irish-American Heritage Month.



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*This research was made possible by the generous support of Carnegie Corporation of New York  
and the David and Lucile Packard Foundation.*